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ORIGINAL



March 27, 2007

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings

U.S. DEPT. OF
TRANSPORTATION

Dear Secretary Williams

Enclosed for filing in STB Docket No. AB-1001X, Chillicothe-Brunswick Rail Maintenance Authority Discontinuance Exemption In Livingston, Linn and Chatham Counties, MO. are the original and ten copies of the Petition and Reply of John Rupp, Jr. et al.

Additional copies of this letter and of the Petition and Reply are enclosed for you to stamp to acknowledge your receipt of them and to return to me in the enclosed stamped and self-addressed envelope.

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

enc

cc Daniel A. Lakemper, Esq.
Charles H. Montange, Esq.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**

ORIGINAL

- - - - -
STB Docket No. AB-1001X

**CHILlicoTHE-BRUNSWICK RAIL MAINTENANCE AUTHORITY
DISCONTINUANCE EXEMPTION-
IN LIVINGSTON, LINN AND CHARITON COUNTIES MO**



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**PETITION AND REPLY
OF
JOHN RUPP, JR., STEVE WAITS, JIM DAUGHERITY,
JOHN FOSTER, KEVIN FOSTER, WAYNE FOSTER,
R & H SANDERS FARMS, INC., LEONARD L. STEPHENS,
STEVE WINKEY, JIM WAITS, MARY KENNEY AND GERALD SOWERS**

**Fritz R. Kahn
Fritz R. Kahn, P.C.
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Washington DC 20036-1601
Tel: (202) 263-4152**

Attorney for

**JOHN RUPP, JR., STEVE WAITS, JIM DAUGHERITY,
JOHN FOSTER, KEVIN FOSTER, WAYNE FOSTER,
R & H SANDERS FARMS, INC., LEONARD L. STEPHENS,
STEVE WINKEY, JIM WAITS, MARY KENNEY AND
GERALD SOWERS**

Dated: March 27, 2007

**BITORL THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D C**



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IN LIVINGSTON, LINN AND CHARLTON COUNTIES, MO**

**PETITION AND REPLY
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**JOHN RUPP, JR., STEVE WAITS, JIM DAUGHERTY,
JOHN FOSTER, KEVIN FOSTER, WAYNE FOSTER,
R & H SANDERS FARMS, INC., LEONARD T. STEPHENS,
STEVE WINKLEY, JIM WAITS, MARY KENNEY AND GERALD SOWERS**

Petitioners, John Rupp, Jr., and Steve Waits of Chillicothe, MO, Jim Daugherty, John Foster, Kevin Foster and Wayne Foster of Sumner, MO, R & H Sanders Farms, Inc., and Leonard Stephens of Triplett, MO, Steve Winkey of Aplington, IA, Jim Waits of Meadville, MO, Mary Kenney of Roeland Park, KS, and Gerald Sowers of Brunswick, MO, pursuant to 49 C.F.R. 1117.1, petition for leave to intervene in this proceeding to urge the rejection of the Notice of Intent to File Offer of Financial Assistance of Vandalia Railroad Company, dated March 26, 2007. Petitioners have an interest in the proceeding, because they are owners of property adjacent to the right-of-way over which the Chillicothe-Brunswick Rail Maintenance Authority formerly had operated, and they believe that Vandalia Railroad Company is abusing the Board's authority in noting its intent to file an offer to purchase the Authority's interest to their detriment and discomfiture. Allowing their intervention will not prolong the proceeding or adversely

affect the interests of any of the parties

Intervenors, pursuant to 49 C.F.R. 1104.13, submit that the intent of an offer of financial assistance, pursuant to 49 U.S.C. 10904 and 49 C.F.R. 1152.27, is to continue existing rail service. The Board's Notice of Exemption, served February 25, 2007, however, was premised on the representation of the Chillicothe-Brunswick Rail Maintenance Authority that no traffic has moved over the 37.44-mile railroad line in question for at least two years' time. There is no existing rail service to be continued.

Moreover, in its Notice of Intent to File Offer of Financial Assistance, Vandalia Railroad Company declares that its proposal would be to purchase the interests of the Chillicothe-Brunswick Rail Maintenance Authority. The Board, however, consistently has held that an offer to purchase is inappropriate in discontinuance proceedings and that the Board only will entertain an offer to subsidize the operation of a railroad line over which service is to be discontinued. See, STB Docket No. AB-33 (Sub-No. 238X) Union Pacific Railroad Company Discontinuance of Service In Yuba County, CA, served March 6, 2007; STB Docket No. AB-998X, Lumber Rock Railroad, Inc. - Discontinuance of Service Exemption In Burleson, Brazos, Grimes, Montgomery, Liberty, Hardin and Jefferson Counties TX, served January 25, 2007; STB Docket No. AB-290 (Sub-No. 254X), Norfolk Southern Railway Company Discontinuance of Service Exemption In Stanly County, NC, served August 11, 2006.

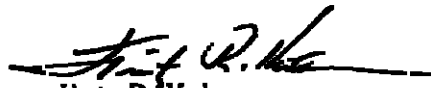
WHEREFORE, John Rupp, Jr., Steve Watts, Jim Daugherty, John Foster, Kevin Foster, Wayne Foster, R & H Sanders Farms, Inc., Leonard T. Stephens, Steve Winkey, Jim Watts, Mary Kenney and Gerald Sowers ask that they be permitted to leave to intervene in these proceedings and urge that, pursuant to 49 C.F.R. 1104.10(a), the Notice of Intent to File Offer of Financial

Assistance of Vandalia Railroad Company, dated March 26, 2007, be rejected as not complying with the Board's rules

Respectfully submitted,

JOHN RUPP, JR., STEVE WAITS, JIM DAUGHIERTY,
JOHN FOSTER, KELVIN FOSTER, WAYNE FOSTER,
R & H SANDERS FARMS, INC., LEONARD F. STEPHENS,
STEVE WINKLEY, JIM WAITS, MARY KINNEY AND
GERALD SOWERS

By their attorney,

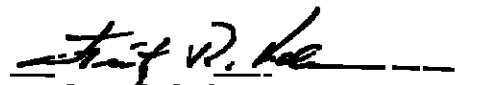

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1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel (202) 263-4152

Dated March 27, 2007

CERTIFICATE OF SERVICE

I certify that I this day have served a copy of the foregoing Petition and Reply upon counsel for the Vandalia Railroad Company and the Chillicothe-Brunswick Rail Maintenance Authority, by facsimile transmitting and by mailing copies thereof by prepaid first-class mail to their respective attorneys, Daniel A. Lakemper, Esq. and Charles H. Montange, Esq.

Dated at Washington, DC, this 27th day of March 2007


Fritz R. Kahn